



**Jamie M. (Mike) Tan**  
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March 26, 2009

**VIA ELECTRONIC FILING AND HAND-DELIVERY**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street SW  
Washington DC 20554

Karen Majcher  
Vice President – High Cost & Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

**Re: *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45; Dobson Cellular Systems of Alaska, LLC (SAC 619004) Eligible Telecommunications Carrier High Cost Certification for Calendar Year 2009**

Dear Ms. Dortch and Ms. Majcher:

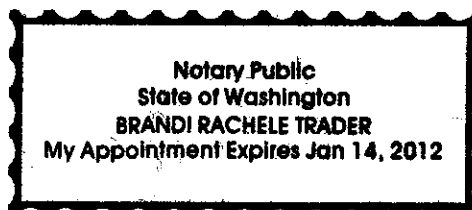
Dobson Cellular Systems of Alaska, LLC d/b/a AT&T Mobility (SAC 619004) ("AT&T Mobility") recently discovered that the Regulatory Commission of Alaska did not include AT&T Mobility in its September 29, 2008 certification to the Federal Communications Commission and the Universal Service Administrative Company, which it made pursuant to 47 C.F.R. § 54.314(a). As a result, and in accordance with 47 C.F.R. § 54.314(b), (d)(3), AT&T Mobility submits the attached affidavit.

If you have any questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Tan".

Attachment



STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert M. Pickett, Chairman  
Kate Giard  
Mark K. Johnson  
Anthony A. Price  
Janis W. Wilson

In the Matter of the Commission Compliance )  
with Federal Requirement to Certify Proper Use )  
of 2009 Federal Universal Service Funds by )  
Telecommunications Carriers )

U-08-94

ORDER NO. 1

**ORDER OPENING DOCKET, REQUIRING DATA, ADDRESSING TIMELINE  
FOR DECISION, DESIGNATING COMMISSION PANEL, AND APPOINTING  
ADMINISTRATIVE LAW JUDGE**

BY THE COMMISSION:

Summary

We open this docket to consider the annual federal universal service fund (USF) certification with the Federal Communications Commission (FCC). We require rural regulated eligible telecommunications carriers (ETCs) and rural wireless ETCs to file information in accordance with the attached data response and affidavit form by September 2, 2008. The chairman addresses a timeline in this docket, designates a commission panel, and appoints an administrative law judge.

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Background

We must certify<sup>1</sup> annually by October 1 whether federal universal service funds<sup>2</sup> received by rural Alaskan ETCs will be used only for the provision, maintenance, and upgrade of facilities and services for which the support is intended.

Discussion

ETCs are eligible to receive support to provide, maintain, and upgrade facilities and services for which the support is intended.<sup>3</sup> A certification that funds will only be used only for their intended purpose is required for continued receipt of certain federal universal service funds by rural carriers. However, a regulated rural ETC's receipt of universal service funds is contingent on our certification to the FCC that the ETC will use the funds only for their intended purpose. We annually issue a data request to obtain information to assist us in submitting the October certification with the FCC.<sup>4</sup> This order provides that data request.

Data Response and Affidavit Forms

During our October 2002 annual certification processes, we reviewed detailed data from the regulated rural ETCs that operate in Alaska concerning use of universal service funds. Since that time we have either concluded or have pending

<sup>1</sup>47 C.F.R. § 54.314.

<sup>2</sup>Referenced funds are those provided under 47 C.F.R. §§ 54.301, 54.305, 54.307, and/or 47 C.F.R. § 36 subpart F.

<sup>3</sup>47 U.S.C. § 254(e).

<sup>4</sup>See Order U-07-83(1), *Order Opening Docket, Requiring Data, Addressing Timeline for Decision, Designating Commission Panel, and Appointing Administrative Law Judge*, dated July 23, 2007, as corrected by *Errata Notice to Order U-07-83(1)*, dated July 26, 2007; Order U-06-92(1), *Order Opening Docket, Requiring Data, Addressing Timeline for Decision, Designating Commission Panel, and Appointing Administrative Law Judge*, dated August 15, 2006; Order U-05-58(1), *Order Opening Docket and Requiring Data*, dated July 22, 2005; Order U-04-70(1), *Order Opening Docket, Requesting Data, and Inviting Comment*, dated August 9, 2004.

1 review of the local rates of many of these ETCs. Further intercarrier compensation  
2 reform changes presently occurring at the federal level may significantly affect the  
3 financial status of regulated ETCs. Once federal intercarrier compensation reform  
4 policies are better known, we anticipate greater efficiency in conducting a detailed  
5 financial review of all regulated ETCs. Consequently, we believe there is little benefit to  
6 an additional detailed review of rural regulated ETC financial data through this docket  
7 this year. Therefore, we simplify our review process for our October rural certification.  
8 We require rural regulated<sup>5</sup> ETCs operating in Alaska to file a completed ETC Data  
9 Response and Affidavit form, based on self-certification. Rural wireless ETCs<sup>6</sup> must  
10 likewise file a completed Wireless ETC Data Response and Affidavit form, based on  
11 self-certification. We attach the forms to this order as an appendix.

#### 12 Non-rural Certification

13           The FCC also has adopted regulations concerning annual certification of  
14 non-rural companies as a condition of continued receipt of forward-looking support and  
15 interim hold-harmless support.<sup>7</sup> Historically, we have not submitted such a certificate as  
16 we concluded it was unnecessary given conditions in Alaska's non-rural market.<sup>8</sup> We  
17 do not plan to submit such a non-rural certificate this year.

18  
19 <sup>5</sup>For purposes of this order, companies that are economically regulated with  
20 respect to local exchange service are those entities required to maintain a service tariff  
21 on file with the Regulatory Commission of Alaska.

22 <sup>6</sup>A rural wireless ETC is a wireless carrier that has obtained ETC status for a  
23 rural area in Alaska. When granting ETC status, we require wireless ETCs to file data  
24 according to the same use-of-funds data form that applies to regulated Alaskan  
25 companies.

26 <sup>7</sup>47 C.F.R. § 54.313.

<sup>8</sup>Order U-05-58(1), *Order Opening Docket and Requiring Data*, dated July  
22, 2005 at 3. Docket U-05-58 is titled *In the Matter of Commission Compliance with  
Federal Requirement to Certify Proper Use of 2006 Federal Universal Service Funds by  
Telecommunications Carriers*.

1 FCC Annual Certification and Reporting Requirements

2 In a *Report and Order*,<sup>9</sup> the FCC adopted initial designation and annual  
3 certification and reporting requirements for ETCs over which it has jurisdiction<sup>10</sup> to  
4 determine ETC status. The FCC encouraged states to adopt the same requirements.<sup>11</sup>  
5 As of this date we have not adopted the FCC's annual USF certification standards and  
6 as a result will not require companies in Alaska to provide information required by the  
7 FCC in response to this order. We believe, however, it is prudent to put Alaska ETCs  
8 on notice of the potential need to file information in the future that significantly exceeds  
9 that previously required.

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17 <sup>9</sup>*In the Matter of Federal-Joint Board on Universal Service*, CC Docket No. 96-45,  
18 *Report and Order*, 20 F.C.C.R. 6371 (2005) (*Report and Order*).

19 <sup>10</sup>47 C.F.R. § 54.314(b) (carriers not subject to state jurisdiction); AS 42.05.711  
20 (in Alaska, some public utilities are exempt from several state public utility regulations,  
21 including rate regulation by us (i.e., non-economically regulated companies)).  
22 Examples of utilities that are exempt include utilities owned by a political subdivision  
(AS 42.05.711(b)) and member-owned cooperatives that opt to be exempt through a  
deregulation election (AS 42.05.711(h), AS 42.05.712).

23 Non-economically regulated local exchange carriers in Alaska subject to the  
24 FCC's jurisdiction for ETC annual certification include: Arctic Slope Telephone  
25 Association Cooperative, Inc.; Bristol Bay Telephone Cooperative, Inc.; Circle  
Telephone; Cordova Telephone Cooperative, Inc.; Nushagak Electric and Telephone  
Cooperative, Inc.; and Ketchikan Public Utilities.

26 <sup>11</sup>*Report and Order*, ¶ 1.

1 New annual USF certification standards may require ETCs to adopt  
2 additional or enhanced recordkeeping well ahead of the FCC's annual  
3 October 1 certification deadline. We may consider what new annual USF certification  
4 information, if any, we will require in response to the FCC standards in a separate  
5 proceeding, possibly after the conclusion of our ETC rulemaking in Docket R-06-3.<sup>12</sup>

6 Decision Timeline

7 State commissions are required by 47 C.F.R. § 54.314 to certify annually  
8 by October 1 whether federal universal service funds received by ETCs are being used  
9 only for the provision, maintenance, and upgrade of facilities and services for which the  
10 support is intended.<sup>13</sup> We will submit the required report to the FCC in a timely manner.

11 Commission Panel

12 The chairman designates Commissioners Mark K. Johnson, Kate Giard,  
13 and Anthony A. Price as the commission panel<sup>14</sup> and further designates Commissioner  
14 Mark K. Johnson as the commission docket manager.

15 Administrative Law Judge

16 Under AS 42.04.070(b), the chairman appoints Administrative Law Judge  
17 David A. Lawrence to facilitate conduct of the docket. The administrative law judge will  
18 issue procedural orders in this docket including discovery orders, unless the  
19

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20 <sup>12</sup>We are currently considering the development of specific procedures and  
21 evaluation criteria for telecommunications carriers applying to be designated as ETCs.  
22 Docket R-06-3 is titled *In the Matter of the Consideration of Regulations Regarding the  
Designation of Eligible Telecommunications Carriers*.

23 <sup>13</sup>A certification that funds will only be used for their intended purpose is required  
24 for continued receipt of certain federal universal service funds by regulated rural  
25 carriers.

26 <sup>14</sup>For docketed matters under AS 42.05.080(a), the chairman designates a  
commission panel to hear, or, if a hearing is not required, to otherwise consider and  
decide the matter.

1 commission docket manager determines that a particular procedural order should be  
2 issued by the commission panel.<sup>15</sup> Orders issued by the administrative law judge will be  
3 considered orders of the commission for purposes of petitions for reconsideration under  
4 AS 42.05.171.<sup>16</sup>

5 **ORDER**

6 **THE COMMISSION FURTHER ORDERS:**

7 1. By 4 p.m. September 2, 2008, rural eligible telecommunications  
8 carriers subject to economic regulation shall file a completed ETC Data Response and  
9 Affidavit form.

10 2. By 4 p.m. September 2, 2008, rural wireless eligible  
11 telecommunications carriers shall file a completed Wireless ETC Data Response and  
12 Affidavit form.

13 3. The commission panel shall consist of Mark K. Johnson, Kate Giard,  
14 and Anthony A. Price.

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22 <sup>15</sup>The commission docket manager, after consultation with other members of the  
23 panel, may delegate to the administrative law judge whatever authority to issue  
24 procedural orders he or she considers necessary or advisable in this docket.

25 <sup>16</sup>AS 42.05.171 states, in pertinent part:

26 A party may file a petition for reconsideration of, or an administrative appeal  
of, a decision by a hearing examiner, an arbitrator, a mediator, or an  
administrative law judge that has been approved by the commission, or a  
decision of a hearing panel.



1 4. Commissioner Mark K. Johnson is designated as the commission  
2 docket manager.

3 5. David A. Lawrence is appointed as administrative law judge in this  
4 proceeding.

5 DATED AND EFFECTIVE at Anchorage, Alaska, this 4th day of August, 2008.

6 BY DIRECTION OF THE COMMISSION  
7 (Commissioner Janis W. Wilson, not participating.)



**U-08-94 ETC Data Response and Affidavit**

Data to be provided by economically regulated Eligible Telecommunications Carriers receiving loop or switch federal universal service support.

Company Name: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

DATA IS TO BE PROVIDED BY SEPARATE FORM FOR EACH STUDY AREA SERVED. COMPANIES THAT HAVE PURCHASED GTE EXCHANGES SHOULD FILE SEPARATE FORMS FOR THEIR NON-GTE AND GTE AREAS.

Study Area: \_\_\_\_\_

Line	Data	USOA Title	USOA Acct. No.	Amount Received for 2007
1	Federal Local Loop Support:		_____	_____
2	Federal Local Switching Support:		_____	_____
3	State Local Switching Support:		_____	_____
4	Total Federal and State Loop and Switching Support:		_____	_____

5 Explain how your company employed universal service funds received in the last twelve months.

6 Explain how your company plans to employ universal service funds to be received in 2008-09. For example, indicate how the funds will benefit your company's expansion plans, facilities deployment, or rates charge.

7 Affidavit:

As an authorized corporate officer of \_\_\_\_\_ (Utility Name), the holder of Certificate of Public Convenience and Necessity No. \_\_\_\_\_, issued by the Regulatory Commission of Alaska, I declare under penalty of unsworn falsification that I have examined this form and to the best of my knowledge and belief it is true, correct, and complete.

I hereby affirm familiarity with and understanding of the requirements of the Communications Act of 1934 as Amended by the Telecommunications Act of 1996 with Respect to the receipt of Universal Service Funds and affirm that such funds received in 2008-09 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to 47 U.S.C. 254(e).

Signature	Type or Print Name	Date
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Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Notary Public

Commission Expires

**U-08-94 Wireless ETC Data Response and Affidavit**

Data to be provided by wireless Eligible Telecommunications Carriers receiving loop or switch federal universal service support.

Company Name: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

DATA IS TO BE PROVIDED BY SEPARATE FORM FOR EACH STUDY AREA SERVED. COMPANIES THAT HAVE PURCHASED GTE EXCHANGES SHOULD FILE SEPARATE FORMS FOR THEIR NON-GTE AND GTE AREAS.

Study Area: \_\_\_\_\_

Line	Data	USOA Title	USOA Acct. No.	Amount Received for 2007
1	Federal Local Loop Support:		_____	_____
2	Federal Local Switching Support:		_____	_____
3	State Local Switching Support:		_____	_____
4	Total Federal and State Loop and Switching Support:		_____	_____

5 Explain how your company employed universal service funds received in the last twelve months.

6 Explain how your company plans to employ universal service funds to be received in 2008-09. For example, indicate how the funds will benefit your company's expansion plans, facilities deployment, or rates charge.

7 Affidavit:

As an authorized corporate officer of \_\_\_\_\_ (Utility Name), the holder of Certificate of Public Convenience and Necessity No. \_\_\_\_\_, issued by the Regulatory Commission of Alaska, I declare under penalty of unsworn falsification that I have examined this form and to the best of my knowledge and belief it is true, correct, and complete.

I hereby affirm familiarity with and understanding of the requirements of the Communications Act of 1934 as Amended by the Telecommunications Act of 1996 with Respect to the receipt of Universal Service Funds and affirm that such funds received in 2008-09 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to 47 U.S.C. 254(e).

Signature	Type or Print Name	Date
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Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Notary Public

Commission Expires

R.C.A.  
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STATE OF ALASKA

BEFORE THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert M. Pickett, Chairman  
Kate Giard  
Mark K. Johnson  
Anthony A. Price  
Janis W. Wilson

In the Matter of the Commission Compliance with )  
Federal Requirement to Certify Proper Use of 2008-09 )  
Federal Universal Service Funds by ) Docket No. U-08-94  
Telecommunications Carriers )  
)

NOTICE OF COMPLIANCE FILING  
FOR DOBSON CELLULAR SYSTEMS OF ALASKA, LLC  
DBA AT&T MOBILITY

Dobson Cellular Systems of Alaska, LLC dba AT&T Mobility submits the attached  
ETC Data Response and Affidavit pursuant to Federal Universal Service certification  
requirements, and Commission Order No. 1, in U-08-094.

ASHBURN & MASON, P.C.  
Attorneys for AT&T Mobility

DATED: 9/2/08

By: Robert A. Royce

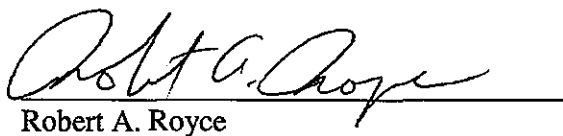
Robert A. Royce  
Alaska Bar No. 8511193

VERIFICATION

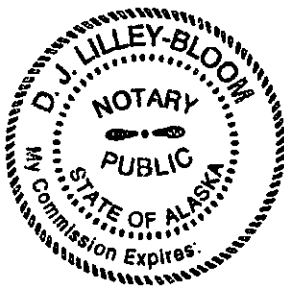
STATE OF ALASKA                    )  
  ) ss:  
THIRD JUDICIAL DISTRICT        )


I, Robert A. Royce, being first duly sworn, depose and state:

I am an attorney with the law firm of Ashburn & Mason, P.C., counsel for AT&T Mobility. I have read the above document and know the contents to be true and accurate to the best of my knowledge and belief.

  
Robert A. Royce

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of September 2008.



  
Notary Public for Alaska  
My commission expires: 2-2-2010

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ASHBURN & MASON<sup>PC</sup>  
LAWYERS  
1227 WEST 9TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
TEL 907.276.4331 • FAX 907.277.8235

NOTICE OF COMPLIANCE FILING FOR DOBSON CELLULAR SYSTEMS OF ALASKA, LLC  
dba AT&T MOBILITY  
Docket No. U-08-94; September 2, 2008

**U-08-94(1) ETC Data Response and Affidavit**

Data to be provided by economically regulated eligible telecommunications carriers receiving loop or switch federal universal service support.

Company Name: Dobson Cellular Systems of Alaska, LLC      Date August 28, 2008  
("AT&T Mobility" or "Company")<sup>1</sup>

Contact Name: Cindy Manheim

Contact Phone Number: 425.580.8112

DATA IS TO BE PROVIDED BY SEPARATE FORM FOR EACH STUDY AREA SERVED. COMPANIES THAT HAVE PURCHASED GTE EXCHANGES SHOULD FILE SEPARATE FORMS FOR THEIR NON-GTE AND GTE AREAS.

STUDY AREA: Dobson Cellular Systems of Alaska, LLC Study Area Code  
(SAC) is 619004

Line	USOA* Title	USOA Acct. No.	Amount Received for 2007
1	Federal Local Loop Support: <sup>2</sup>		<u>\$28,027,164</u>
2	Federal Local Switching Support: <sup>3</sup>		<u>\$2,967,128</u>
3	State Local Switching Support:		<u>N/A</u>
4	Total Federal and State Loop and Switching Support		<u>\$30,994,292</u>

\*For companies not required to follow the Uniformed System of Accounts (USOA), please indicate your account title and number.

<sup>1</sup> On November 15, 2007, Dobson Communication Corporation became a wholly-owned subsidiary of AT&T Inc. Dobson Cellular Systems of Alaska, LLC ("AT&T Mobility") continues to be a subsidiary of Dobson Communication Corporation. As such the legal entity designated by the Alaska Commission as an eligible telecommunications carrier ("ETC") for certain areas in Alaska has not changed.

<sup>2</sup> For purposes of this response, AT&T Mobility understands "Federal Local Loop Support" to refer to High Cost Loop (HCL) and/or Safety Net Additive (SNA), Safety Valve Support (SVS), and Interstate Common Line Support (ICLS), if applicable.

<sup>3</sup> For purposes of this response, AT&T Mobility understands "Federal Local Switching Support" to refer to Local Switching Support (LSS).

5. Explain how your company employed universal service funds received in the last twelve months.<sup>4</sup>

Dobson Cellular Systems of Alaska, LLC previously submitted a Service Improvement Plan ("SIP") as part of the Company's ETC Application describing projected service improvements and network upgrades that the Company anticipated using ETC funds as of the time of that filing.<sup>5</sup> The Company also filed on November 2, 2007, its annual progress report in Docket U-05-041 providing detailed information/update on items in the SIP for the first six months of 2007. The Company is filing concurrently with this submission a status report on the SIP for the remainder of 2007 and information regarding planned cell sites for 2008 and 2009 in Docket U-05-041.

In 2007, the Company built and put on air twenty-three (23) cell sites within its ETC designated area in Alaska. In addition to the new cell sites deployed in 2007, the Company completed the installation of additional radios to increase capacity at various cell sites. The Company also installed microwave facilities at certain locations to improve quality and reliability of service. Further, the Company installed a new Mobile Switching Center (MSC) and Base Station Controller (BSC) to support the additional cell sites and capacity additions. In 2007, the Company incurred over \$27 million in capital expenditures and network operating expenses in its Alaska ETC designated area. Due to the timing of certain network improvements and the amount of ETC funding received in 2007, the Company did not spend all of the 2007 ETC funds in calendar year 2007. The Company will, however, utilize the remaining 2007 ETC funds in 2008 in its ETC designated area.

6. Explain how your company plans to employ universal service funds to be received in 2008-09. For example, indicate how the funds will benefit your company's expansion plans, facilities deployment, or rates charge.

AT&T Mobility will utilize all federal high-cost universal service support it receives in Alaska during the 2008 and 2009 calendar years only for the provision, maintenance and upgrading of facilities and services for which the support is intended pursuant to 47 U.S.C. §254(e). As mentioned above, as part of its ETC Application the Company filed a SIP in Docket U-05-041. Although the exact service improvements in 2008 and 2009 may vary from those set forth in the previous plan that was filed, the Company will use the funds for the provision, maintenance and upgrading of its facilities for which supported was intended.

**2008 and 2009 Service Improvements**

- **New Site Builds:** AT&T Mobility plans to build and put on number of new cell sites within its ETC designated area in Alaska and will also complete site acquisition work on a number of sites that it plans put on air in 2009 and future years.

<sup>4</sup> For purposes of this response, AT&T Mobility understands that the twelve month reporting period is to refer to calendar year 2007.

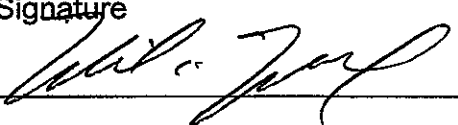
<sup>5</sup> See Docket U-05-041

- Site Modifications: AT&T Mobility also plans to modify several existing cell sites by adding radios and cabinets/sector to the sites. These modifications are necessary to add transmission capacity to existing sites.
- Technology Upgrades to Existing Cell Sites (UMTS): AT&T Mobility will upgrade some of its infrastructure from second generation ("2G") technology to third generation ("3G") technology in 2008. The upgrades will require AT&T Mobility to place additional equipment devoted to UMTS at the cell site (new radios, cabinets, etc.) and also to install a new Radio Network Controller(s) (RNC) to support these sites. These upgrades will provide additional benefits to consumers.
- New Mobile Switching Center (MSC): To support the additional cell sites, radios, cabinet adds, AT&T Mobility plans to install a new MSC to support its network within its ETC designated areas. A portion of the work to install the switch will occur at the end of 2008 with the rest of the work completing in 2009.

7. Affidavit:

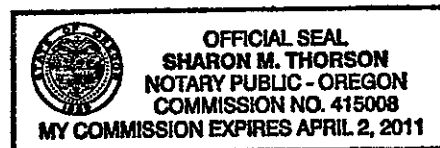
As the Vice President/General Manager of AT&T Mobility on behalf of Dobson Cellular Systems of Alaska, LLC, I declare under penalty of unsworn falsification that I have examined this form and to the best of my knowledge and belief it is true, correct and complete.

*I hereby affirm familiarity with and understanding of the requirements of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 with respect to the receipt of universal service funds and affirm that such funds received in 2008-09 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to 47 U.S.C. 254(e).*

Signature 	Type or Print Name Mike C. Maxwell	Date 8/29/08
--	---------------------------------------	-----------------

Subscribed and Sworn to before me this 29<sup>th</sup> day of August, 2008.

*Sharon M. Thorson*  
NOTARY PUBLIC *for Oregon*  
*Clackamas County*



Commission Expires 4/2/2011